

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RACHAEL ANNE ELROD, ANDREW KAUFMAN, and SARAH MARTIN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

NO TAX 4 NASH, MICHELLE FOREMAN, and KAREN MOORE,

Defendants.

BROOKS BRASFIELD, on behalf of himself and all others similarly situated,

Plaintiff,

v.

NO TAX 4 NASH, MICHELLE FOREMAN, and KAREN MOORE,

Defendants.

MICHELLE FOREMAN and KAREN MOORE,

Third-Party Plaintiffs,

v.

BEST SELLERS, LLC, HEATHER SELLERS, JOE GERGLEY, and HYPERMETRICS, LLC,

Third-Party Defendants.

Case No. 3:20-cv-00617

**District Judge Eli J. Richardson
Magistrate Judge Barbara D. Holmes**

CLASS ACTION

JURY DEMAND

Consolidated with
Case No.: 3:20-cv-00618

**PLAINTIFFS' MOTION FOR ATTORNEY'S FEES, EXPENSES, AND SERVICE
AWARDS**

Consistent with Rule 23, Plaintiffs Rachael Ann Elrod, Andrew Kaufman, Sarah Martin, and Brooks Brasfield (the “Class Representatives” or “Plaintiffs”), individually and on behalf of the preliminarily certified Settlement Class, hereby submit this Motion for Attorney’s Fees, Expenses, and Service Awards.

On May 25, 2022, the Court entered its Preliminary Approval Order Granting Motion for Preliminary Approval of Class Settlement. (D.E. #152) (“Preliminary Approval Order”).

As explained in greater detail in the accompanying Memorandum of Support, all requirements set by the Court in its Preliminary Approval Order have been satisfied. In support of this Motion, the Plaintiffs rely upon the following:

1. Memorandum of Law in support hereof filed contemporaneously herewith;
2. All documents submitted in support of the previously filed Motion for Preliminary Approval (D.E. #145); and
3. Declarations by Class Counsel Joe P. Leniski, Jr. of Branstetter, Stranch & Jennings, PLLC, and John Spragens of Spragens Law, PLC, with supporting exhibits.

Accordingly, Plaintiffs respectfully request an order awarding: (1) attorney’s fees to counsel for the Class (“Class Counsel”) in the amount of \$336,799.65, which represents one-third of the \$1,010,500.00 common Settlement Fund, (2) award out-of-pocket litigation costs and expenses of an amount not to exceed \$11,000.00, which is currently \$10,675.31 through July 25, 2022; and (3) approving service awards to each of the four Class Representatives in the amount of \$2,500.00 each.

Dated: July 25, 2022

Respectfully submitted,

By: /s/ Joe P. Leniski Jr.

JOE P. LENISKI, JR. (BPR# 22891)
ANTHONY ORLANDI (BPR# 33988)
BRANSTETTER STRANCH &
JENNINGS, PLLC
The Freedom Center
223 Rosa L. Parks Ave., Suite 200
Nashville, Tennessee 37203
Telephone: (615) 254-8801
joeyl@bsjfirm.com
aorlandi@bsjfirm.com

John Spragens (TN Bar No. 31445)
SPRAGENS LAW PLC
311 22nd Ave. N.
Nashville, TN 37203
Telephone: (615) 983-8900
john@spragenslaw.com

Class Counsel

CERTIFICATE OF SERVICE

It is hereby certified that on July 25, 2022, the foregoing Motion for Attorney's Fees, Expenses and Service Awards was served via the Court's CM/ECF system upon the following counsel of record:

Darrick O'Dell
Spicer Rudstrom, PLLC
Philips Plaza
414 Union St., Suite 1700
Nashville, TN 37219
Telephone: (615) 259-9080
dlo@spicerfirm.com

Timothy G. Harvey
Keane A. Barger
Riley Warnock & Jacobson, PLC
1906 West End Avenue
Nashville, Tennessee 37203
Telephone: (615) 320-3700
tharvey@rwjplc.com
kbarger@rwjplc.com

G. Kline Preston, IV
Kline Preston Law Group, PC
4515 Harding Pike
Suite 107
Nashville, TN 37205
(615) 279-1619
Fax: (866) 610-9565
kpreston@klineprestonlaw.com

Richard W. Wackerfuss
Scott McCullough
MCNABB, BRAGORGOS, BURGESS & SORIN, PLLC
81 Monroe Avenue, Sixth Floor I
Memphis, TN 38103
Facsimile: (901) 624-0650
rwackerfuss@mbbslaw.com

Robert R. Laser, III (No. 31202)
300 James Robertson Pkwy., Ste. 402
Nashville, TN 37201
Phone: (615) 622-1122
rob@laserlawfirm.com

D. Gil Schuette
Evan Rothey
Sims Funk, PLC
3322 West End Ave., Suite 200
Nashville, TN 37203
gschuette@simsfunk.com
erothey@simsfunk.com

/s/ Joe P. Leniski, Jr.
Joe P. Leniski, Jr.

Class Counsel